IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7229 of 1998

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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UNION OF INDIA - Petitioner(s)

Versus

RAVJIBHAI ALABHAI VAGHELA - Respondent(s)

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Appearance :

MR YN RAVANI for Petitioner No(s).: 1.

MR HD RANA for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 14/07/2005

ORAL JUDGMENT

1. This petition is directed against the order dated 13th April, 1998 passed by the Labour Court, Junagadh, in IESO No. 74 of 1998, whereby the Labour Court has restrained the petitioner to change the service condition of the respondent.

2. The short facts of the case are that the respondent was initially working in the Postal Department under Junagadh Division and thereafter he was promoted to the cadre of Time Bound One Promotion on the basis of seniority. Since there was a vacancy of Complaint Inspector and it was not possible to keep the said post vacant, the respondent was appointed as in-charge of the said post and the said arrangement had continued till this date. It is the case of the petitioner that the respondent thereafter obtained an interim relief from the Labour Court, Junagadh against this apprehended repatriation. Hence, this petition.

3. While admitting this petition, this Court vide order dated 2nd November, 1998 had stayed the operation of the impugned order. Since the interim relief is operating, it would be appropriate to direct the parties to maintain the said position till the IESO No. 74/98, pending before the Labour Court, Junagadh is finally disposed of.

4. I have heard the learned counsel for the parties and have perused the materials placed on record. In view of the peculiar facts and circumstances of the case, I am

of the opinion that ends of justice would be met, if the Labour Court, Junagadh is directed to dispose of the IESO No. 74/98, while continuing the interim relief granted by this Court.

5. Therefore, without entering into the merits of the matter, the Labour Court, Junagadh is directed to hear and dispose of the IESO No.74/98 pending before the Labour Court, Junagadh, as early as possible and preferably within a period of one year from the date of receipt of writ of this order. The interim relief granted by this Court vide order dated 2nd November, 1998 shall continue till the said IESO is finally disposed of.

6. With the above observations and directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

7. The office is directed to send a writ of this order forthwith.

[K.S. JHAVERI, J.]

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